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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
January 9, 2013

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Bruce Saito
Mark Andre
J. Keith Gilles
Susan Britting
Mike Miles

BOARD OF FORESTRY MEMBERS ABSENT:

Jim Ostrowski
Rich Wade

BOARD STAFF:

George Gentry, Executive Officer
Matthew Dias, Executive Officer, Forester's Licensing
Eric Huff, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Janet Barentson, Chief Deputy Director
Bill Snyder, Deputy Director, Resource Management
Giny Chandler, Chief Counsel
Dean Cromwell, Chief of Planning and Risk Analysis

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

Call to Order

Chairman Dixon called the January 9, 2013 meeting of the Board of Forestry and Fire Protection to order.

Announcement of Actions Taken in Executive Session

No Executive Session

Approval of Minutes

01-13-01 Member Saito moved to approve November and December 2012 Board minutes.

Member Andre seconded the motion. The motion passed unanimously.

MONTHLY BOARD REPORTS

Report of the Chairman

No Report

Report of the Director/Department. Janet Barentson - **Full Report available on the Board's website.**

- Confirmation Hearings: Mark Ghilarducci, Secretary for Cal EMA and Mark Nechodom, Director of the Department of Conservation, were confirmed by the Senate.
- Appointments/Retirements: Jeff Young was appointed as Unit Chief, Lassen-Modoc, he replaces Brad Lutz, Eric Hoffman was appointed as Unit Chief, Sonoma/Lake/Napa Unit, he replaced Tim Streblow, Shawna Jones was appointed as Management Services Chief, Northern Region, she replaced Kathleen Schori. Scott Galbert was appointed Acting Unit Chief, San Mateo/Santa Cruz, he replaced John Ferreira. Paul Marquez was appointed Acting Unit Chief, Tulare Unit, he replaced Kirk Swartzlander.
- CAL FIRE Southern Region Senior Archeologist Linda Pollack has retired from CAL FIRE as of January 3, 2013, to take an archeologist position with Southern California Edison. Filling behind Linda will be a challenge for the Department and staff is reviewing several options for covering her extensive and distinguished work.
- Book: Esparanza Fire Arson Murder and the Agony of Engine 57 by John MacLean will be released February 13, 2013. The Esparanza Fire is the first wildland fire that resulted in a murder conviction.
- Fire Season: The department is in Winter Preparedness staffing throughout the state. Although, Cal Fire is at winter staffing there are additional engines in San Diego, Riverside and San Bernardino, as a result of the year around staffing effort, to do defensible space inspections and other duties.
- Unofficial Fire Stats for 2012, 140,000 acres burned compared to 57,000 acres in 2011. The 5 year average is 198,000 acres. The final numbers for 2012 will be out in April.
- Schedule A program, Cooperative Agreement with local governments has been active. CAL FIRE welcomed three new contracts, San Miguel, Morgan Hill and Paradise, effective January 1, 2013. A number of other requests are being evaluated to determine if they meet the criteria.
- Wildfire Suppression Aircraft Transfer Act, 2012, authorizes the transfer of seven C-27 military aircraft to the US Forest Service to assist with their air attack strategy.
- Hills Emergency Forum is looking forward to working with the Board of Forestry and Fire Protection on regulatory relief for eradication of eucalyptus in the Oakland Hills. Cal Fire is working with Executive Officer George Gentry on strategies on developing a resolution to their request.
- SRA Fees:
 - All bills sent – 753,280 in total
 - \$62.15 million revenue received year-to-date (as of December 21, 2012)
 - Call Center – over 131,000 total calls received since August 3, 2012.
 - Appeals (Petitions for Redetermination) - Approximately 73,000 petitions received; over ¾ related to illegal tax or felt they should not have to pay.
 - List of owners of habitable structures for FY 12/13 fees submitted by CAL FIRE to the Board of Equalization.

- A Grants Unit has been established, Stella Chan has been hired as Manager. The unit is currently formalizing policy and procedures and are working closely with the Resource Management Program.
- 2013/2014 Budget released January 10, 2013. Cal Fire has been working with the Administration to emphasize the importance of VMP projects, VMP funding and grants regarding the SRA Fee. They are also working with them on the implementation on reporting requirements for SB 1492, Lumber Assessment Fee and the implementation of SB 1241 High Severity Zone Land Use Planning.
- Director Pimlott will be working with Resources Agency on press/stakeholder briefing for the budget January 10, 2013. He will update the Board on the implications of the budget.
- The Department met with Board Member J. Keith Gillless, UC Berkeley's department of Natural Resources and Pacific Southwest Research Station Director Alex Friend to coordinate research priorities for the state.

Report of the Regulations Coordinator

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| • §1299 AB 1595 Defensible Space | 15-day Notice Hearing Pending |
| • §1270 SRA Fire Safe Development | Resubmitted for OAL Review/Approval |
| • SRA Fire Prevention Fees Emergency | Emergency expires 1/23/2013 |
| • SRA Fire Prevention Fees - Permanent Regulation | One re-adoption no later than March 2013 |

Report of Executive Officer.

- The February 6 Board meeting will be held at the EDD Building Auditorium.
- Possible presentation by Susan Lang on the Mapper Program at the February Board meeting.
- New hire for the SRA OT position, Donna Lewis will start on January 15.
- Commented on the Hills Emergency Forum letter which requests the Board of Forestry and Fire Protection to review conflicts between removal of trees for fire hazard reduction and the Z'Berg-Nejedly Forest Practice Act. Board staff will work with Cal Fire staff to work on possible options for the Board to consider at the February Board meeting.
- VTPEIR public comment closes on January 25, asked to the Board to consider extending the public comment period due to the length of the document.
- Lumber Assessment, the Executive Officer is preparing a document with a list of items required by statute to exclude or include all things by regulation be included or excluded. The document will also include questions he's received and how they have been temporarily adjudicated for the time being until the Board can make a full consideration at the April Board meeting.

Report of the Standing Committees

Forest Practice, Mark Andre, Chair

- Reviewed Draft Modified THP Increase Rule Text
- Discussed having a Road Rules workshop in February
- Discussed Proposed "Class II-L" Watercourse Regulation

Resource Protection, Bruce Saito

- Reviewed current Nursery Policy.

01-13-02 Member Gillless moved to approve the revised Nursery Policy. Member Saito seconded the motion. The motion passed unanimously.

Report of Board's Advisory Committees

- **Forest Pest Council-**
 - **California Oak Mortality Task Force (COMTF) –**
No Report
- **Monitoring Study Group- Pete Cafferata (Full report can be found on the BOF website)**

Developing Biological Objectives for California Perennial Wadeable Streams

Ms. Karen Larsen, SWRCB Deputy Director, Office of Information Management and Analysis (OIMA), provided a PowerPoint (PPT) presentation titled "Biological Objectives for California Streams." Ms. Larsen's PowerPoint is posted on the Monitoring Study Group's Archives website at: http://www.bof.fire.ca.gov/board_committees/monitoring_study_group/msg_archived_documents/.

Sierra Nevada Adaptive Management Project (SNAMP) Water Team Methods and Results

Ms. Sarah Martin, UC Merced Ph.D. candidate, provided a PowerPoint presentation titled "Sierra Nevada Adaptive Management Project: Design, Methods and Current Research." Ms. Martin's PowerPoint is posted on the Monitoring Study Group's Archives website at: http://www.bof.fire.ca.gov/board_committees/monitoring_study_group/msg_archived_documents/.

Effectiveness Monitoring Committee Update

George Gentry announced that the formation of the Board's new Effectiveness Monitoring Committee (EMC) is actively being worked on by Board and CAL FIRE staff. This concept was discussed by the MSG several times in 2008 and 2009, but put on hold until the completion of the VTAC work. Development of the EMC is occurring to determine if recently adopted Forest Practice Rules are effective in protecting beneficial uses such as salmonid habitat, or if further modification is required.

Next Monitoring Study Group Meeting Date

The next MSG meeting date is tentatively planned for March 20, 2013, with the location to be determined.

- **Research and Science Committee- George Gentry**
Discussed putting together a comprehensive report on California research for the legislature. Focused on areas where there may be overlap and gaps in research and to foster better communication between agencies and stakeholders.
- **Committee on Criminal Trespass- George Gentry**
Organizing a symposium /forum for the Board to be held in April or May. The purpose of the symposium is to address some of the concerns on criminal trespass and make some recommendations as to what policy considerations should be taken. Encouraged the Board to look at Humboldt State's website, regarding interdisciplinary scientific study of marijuana.
<http://www.humboldt.edu/hiimr/>
- **Range Management Advisory Committee- George Gentry**
The committee has not met, they have been communicating via email regarding revamping the structure of the committee. They expect to present proposals to the Board in the upcoming months.
- **Professional Foresters Examining Committee – Matt Dias**

The following Registered Professional Foresters indicated a desire to VOLUNTARILY RELINQUISH his/her license to practice forestry due to retirement:

Robert Ziemer,	RPF #542
Robert Brown,	RPF #580
Richard Dresser,	RPF #736
Gary Harlow,	RPF #928
Timothy Plumb,	RPF #1378
Stanley Lake,	RPF #1588
Thomas Efird,	RPF #2052

Revocations of RPF and CRM Licenses pursuant to PRC §783 due to non-payment:

James Boynton,	RPF # 1490
Richard Dixon,	RPF #1949
Jack Levitan,	RPF #1104
James Maynard,	CRM #84
James Mote,	RPF #2430
Patrick Mulligan,	RPF #2928
John Pieper,	RPF #1723
Joel Segers,	RPF #1943
Gary Smith,	CRM #48
James Toland,	RPF #1568

01-13-03 Member Saito moved to approve revocation of RPF Licenses for the above RPF's. Member Andre seconded the motion. The motion passed unanimously.

Approval for Registered Professional Forester

01-13-04 Member Miles moved to approve Ronald Durbin as RPF #2971. Member Gillesse seconded the motion. The motion passed unanimously.

SPECIAL BOARD HEARINGS/REPORTS

Staff Report: State Responsibility Area Fire Prevention Benefit Fee

The Executive Officer provided an overview on issues discussed at previous meeting.

- Common interest developments, apartment vs condominium. Possible approach for future consideration is to look at how to work with homeowners associations rather than individual owners.
- Effective date vs. Lien date was raised by El Dorado county assessor. His concern was the January lien date which is the assessment point.
- 30 Day Appeal: the Board should take into consideration the 30 day appeals process. Possible solution is to suggest legislation to change the time period in the statute from a 30 day appeal to a 45 day appeal process and add a process for an untimely appeal.
- A decision was not made on the Grant Program because the Budget had not been announced. The Board has a responsibility under statute to set up the Grant Program.
- Annual Report to the Legislature on the SRA Benefit Fee, the Executive Office has received assistance from Cal Fire on a draft document. It will be submitted through the GOR process so Agency and the Governor can review prior to it being submitted to the Legislature. He wanted the Board to focus their attention to recommendations to the Legislature, on amending §4220, §4221 and §4225.
- RPC will discuss other ways of dealing with the issues in the coming months.

Public Comment

Pattie Seebode commented and expressed concerns that the SRA map needs to be reviewed and updated with newly incorporated sub divisions. She added that her sub division by definition does not fall under the SRA guidelines.

Wes Justin commented that his sub division did not fall under the SRA guidelines and should be removed from SRA.

Review: Board 2012 Regulation and Priorities Review – Deferred

HEARING: 15 – day Notice Revisions – “Defensible Space, 2012”

01-13-05 Member Gilless moved to approve revisions to the Defensible Space, 2012 rule. Member Saito seconded the motion. The motion passed unanimously.

CONCLUSION

Public Forum

Richard Gienger announced a workshop on Improving the NTMP process, enlarged NTMP and cumulative effects January 10 – 11. He also announced the 31st Annual Salmonid Restoration Conference, “Innovative Approaches to Fisheries Restoration,” will be held from March 13th-16th, 2013, in Fortuna.

New and Unfinished business

None

Adjourn

Respectfully submitted,



George D. Gentry
Executive Officer

ATTEST:



Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.